

EXHIBIT 16 TO SHARKEY DECLARATION

From: Shannon, Timothy
To: [Rabenstein, Reba \(DC\)](#); [Keown, Wayne](#)
Cc: [#C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM](#); [Frazier, David \(DC\)](#); [slevy@nixonpeabody.com](#); [shansen@nixonpeabody.com](#); [spritchett@nixonpeabody.com](#); [tlieberman@nixonpeabody.com](#)
Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.)
Date: Sunday, February 10, 2019 10:56:41 PM
Attachments: [DRAFT Motion to Modify Scheduling Order - with VD edits 12465242\(1\).DOCX](#)

Reba,

Attached are redlines sufficient to obtain our assent to this motion. Among other things, the Xu discussion strikes us as argumentative and not yet ripe for motion practice.

We're also prepared to address the PO. Please let me know if you're available to talk tomorrow after noon or Tuesday before 2:00.

Regards,

Tim

Timothy R. Shannon, Partner

One Portland Square

Portland, ME 04112-0586

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t2



From: Rebecca.Rabenstein@lw.com [mailto:Rebecca.Rabenstein@lw.com]

Sent: Tuesday, February 5, 2019 7:05 PM

To: Shannon, Timothy ; Keown, Wayne

Cc: [ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com](#); [David.Frazier@lw.com](#); [slevy@nixonpeabody.com](#); [shansen@nixonpeabody.com](#); [spritchett@nixonpeabody.com](#); [tlieberman@nixonpeabody.com](#)

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.)

Tim,

We plan to file the attached motion tomorrow in the Astellas v. ImStem matter to extend the case deadlines, given your failure to respond to our emails or calls regarding this issue.

Please let us know whether you oppose. If we do not hear from you by **3 pm Eastern, Wednesday, February 6**, we will assume you oppose and will file the motion.

Best,

Reba

Rebecca L. Rabenstein

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.2353

From: Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>

Sent: Tuesday, February 05, 2019 10:56 AM

To: Shannon, Timothy <tshannon@verrilldana.com>; Keown, Wayne <wkeown@verrilldana.com>

Cc: #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM

<ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; Frazier, David (DC) <David.Frazier@lw.com>; slevy@nixonpeabody.com; shansen@nixonpeabody.com; spritchett@nixonpeabody.com; tlieberman@nixonpeabody.com

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.)

Tim,

I just left you a voicemail regarding my emails from Friday and yesterday. Please let me know when you are available to talk **today** regarding the below issues:

- 1) Any edits you have to the draft protective order that we circulated January 28.
- 2) Defendants' deficient production and steps to remedy it. We note that, while you represented on our January 25 meet and confer that Defendants' production last week would be "substantially complete," this production is deficient at least because, for example, it contains documents from only one custodian (Xiaofang Wang); it contains no documents where Ren-He Xu, a named defendant in this action, is the custodian; and the latest date of documents in the production appears to be in June 2013, whereas at least patent prosecution of the '551 patent continued until its issuance in August 2017.
- 3) Seeking an extension on the deadline for fact discovery in order to efficiently resolve these disputes regarding document production before taking any depositions.

You can also call me on my direct line (202-637-2353) at your convenience.

Best,

Reba

Rebecca L. Rabenstein

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From: Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>

Sent: Monday, February 04, 2019 3:25 PM

To: Shannon, Timothy <tshannon@verrilldana.com>; Keown, Wayne <wkeown@verrilldana.com>

Cc: #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM

<ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; Frazier, David (DC) <David.Frazier@lw.com>; slevy@nixonpeabody.com; shansen@nixonpeabody.com; spritchett@nixonpeabody.com; tlieberman@nixonpeabody.com

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.)

Tim,

Following up on the below, please let us know what times you are available for a meet and confer **tomorrow, February 5**, on the below issues.

Best,

Reba

Rebecca L. Rabenstein

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From: Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>

Sent: Friday, February 01, 2019 10:15 PM

To: Shannon, Timothy <tshannon@verrilldana.com>; Keown, Wayne <wkeown@verrilldana.com>

Cc: #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM

<ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; Frazier, David (DC) <David.Frazier@lw.com>;
slevy@nixonpeabody.com; shansen@nixonpeabody.com; spritchett@nixonpeabody.com;
tlieberman@nixonpeabody.com

Subject: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.)

Tim,

In light of the parties' productions yesterday, we would like to have a meet and confer on **Tuesday, February 5**, on the following issues:

- 1) Any edits you have to the draft protective order that we circulated January 28.
- 2) Defendants' deficient production and steps to remedy it. We note that, while you represented on our January 25 meet and confer that Defendants' production last week would be "substantially complete," this production is deficient at least because, for example, it contains documents from only one custodian (Xiaofang Wang); it contains no documents where Ren-He Xu, a named defendant in this action, is the custodian; and the latest date of documents in the production appears to be in June 2013, whereas at least patent prosecution of the '551 patent continued until its issuance in August 2017.
- 3) Seeking an extension on the deadline for fact discovery in order to efficiently resolve these disputes regarding document production before taking any depositions.

Please let us know when you are available on **Tuesday, February 5**, and we will circulate a meeting maker and dial-in information.

Best,

Reba

Rebecca L. Rabenstein

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